IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 07th day of July 2005

Criminal Misc. Bail Application No.530/2005

Order on the bail application of accused

CRIMINAL SIDE

Gazzan Singh S/o Sri Sher Singh
R/o village Vidora Majhola
P.s. Nanakmatta
District U. S. Nagar .....Applicant

Versus

State of Uttaranchal

Arising out of case crime No.284 of 2005
U/s 8(c), 18/20 N.D.P.S. Act
P.S. Sitarganj
District U.S. Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri A. K. Joshi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. As per the prosecution version, one kilogram of Charas was recovered from the applicant. It has been alleged that quantity was not weighed at the time of recovery, hence it cannot be said that it is one kilogram or below. Learned counsel for the applicant further contended that the presumption should be drawn in favour of the applicant that it may be less than one kilogram, which is not a commercial quantity. The applicant has no criminal history. Co-accused Ramesh Chandra Arya has already been released on bail by this Court vide order dated 22.6.2005. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 07.07.2005

LSR